

Remarks

Applicant respectfully requests that the Examiner consider the references listed in the IDS filed with the last Response and return the initialed Form PTO-1449 listing the references with the next Office Action, indicating that the references have been considered.

Claims 1 and 73 are pending in the application. Claims 1 and 73 stand rejected. Claims 1 and 73 are amended herein. Dependent claims 74-92 have been added. Support for these claims can be found in the claim set of the originally filed application, particularly original claims 2-16 and 37-38. Support for the dipeptides derivatives listed in claim 80 can be found on page 5, lines 14-page 6, line 3. No new matter is added to the application by this Amendment. Applicant respectfully requests reexamination and reconsideration of the case. Each of the rejections levied in the Office Action is addressed individually below.

I. Rejection under 35 U.S.C. § 112, first paragraph, for lack of written description.

Claim 73 has been rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention.

Specifically, in claim 73 the Examiner has objected to n being "an integer between 1 and 200, inclusive", as lacking written description. The Examiner has pointed out that on page 53 of the Specification n is between 1 and 200, thus giving rise to a generic formula in which there can be between 2 and 201 boron-containing units. Claim 73 has been amended to recite n being between 0 and 199 given how the structure is drawn in claim 73. Applicant submits that this amendment obviates the present rejection.

The Examiner has also objected to E₂ not being included in the definition of the linker moiety in claim 73. Applicant has amended claim 73 to include E₂ along with [J]_p, [I]_q, and [G]_m in the definition of the linker moiety as described on page 54. Applicant submits that this amendment obviates the present rejection.

II. Rejection under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 1 and 73 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for

failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

The Examiner states that claim 73 is indefinite because the phrase "capable of forming" is indefinite as to whether the forming takes place. Applicant respectfully disagrees and reiterates the arguments presented in the Response filed January 28, 2002; however, to further prosecution, Applicant has amended claim 73 to remove the phrase "capable of forming" and thereby obviate this rejection.


With respect to the Examiner's concern about L having a weight limitation between about 100 daltons and about 2000 daltons and a length limitation between about 20 Å and about 300 Å, Applicant has amended claims 1 and 73. The claims now recite that the linker moiety contains a chain of atoms selected from the group consisting of a combination of C, O, N, S, and P atoms, connected by single bonds, double bonds, or triple bonds in a manner that does not violate the laws of chemistry. In addition, the linker moiety has a molecular weight ranging between 100 daltons and 2000 daltons or a span ranging from 20 Å to 300 Å. Therefore, one of ordinary skill reading the claims would understand what is and what is not encompassed by the claimed invention. That is, either the linker moiety must fall within the molecular weight limitation or the span limitation. Applicant submits that the amended claims 1 and 73 are clear and requests that the rejection be removed.

Examiner has also requested that the word "about" be deleted from the pending claims because it introduces indefiniteness as to the upper and lower limits of the ranges recited in the claims. Applicant disagrees and submits that "about" does not make the claims indefinite. Applicant submits that "about" as used in describing the ranges for the length and molecular weight of the linker are clear; however, in order to further prosecution Applicant has removed the word "about" from the pending claims. This amendment obviates the present rejection. Applicant, however, submits that no equivalents under doctrine of equivalents are surrendered by the amendment removing "about" from the pending claims.

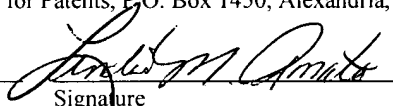
In view of the forgoing arguments, Applicant respectfully submits that the present case is now in condition for allowance. A Notice to that effect is requested.

Please charge any fees that may be required for the processing of this Response, or credit any overpayments, to our Deposit Account No. 03-1721.

Respectfully submitted,


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